

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION

**FILED**  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
JUN 15 2016

UNITED STATES OF AMERICA

§  
§

BY  
DEPUTY \_\_\_\_\_

v.

§  
§

NO. 6:16CR 33

Judge MHS/JDL

GERALD DWAYNE TEMPLETON (01

§

TERESA ANN BEAN (02)

§

**INDICTMENT**

THE UNITED STATES GRAND JURY CHARGES:

**Count One**

Violation: 21 U.S.C. § 846  
(Conspiracy to Distribute Cocaine Base)

Beginning on a date unknown to the Grand Jury and continuing thereafter up to and through March 1, 2016, in the Eastern District of Texas and elsewhere, **Gerald Dwayne Templeton (Templeton)** and **Teresa Ann Bean (Bean)**, defendants charged herein, did knowingly and intentionally, conspire, confederate, and agree together, and with others known and unknown to the grand jury, to violate a law of the United States, to wit, 21 U.S.C. § 841(a)(1), prohibiting the knowing and intentional possession, with intent to distribute, a controlled substance; to-wit: 28 grams or more of a mixture or substance containing cocaine base, all in violation of 21 U.S.C. § 846.

**Count Two**

Violation: 21 U.S.C. § 841(a)(1)  
(Possession with intent to Distribute  
Cocaine Base)

On or about March 1, 2016, in Gregg County, Texas, in the Eastern District of Texas, **Templeton** and **Bean**, defendants, did knowingly and intentionally possess, with intent to distribute, a Schedule II controlled substance, namely approximately 43 grams of a mixture or substance containing a detectable amount of cocaine base, also known as “crack” cocaine, its salts, optical and geometric isomers, and salts of isomers, in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(B).

**Count Three**

Violation: 18 U.S.C. § 924(c)(1)(A)  
(Possession of a firearm during drug  
trafficking)

On or about March 1, 2016, in Gregg County, Texas, in the Eastern District of Texas, **Templeton**, defendant, did knowingly use, carry, and possess a firearm, namely, a Stevens model, 20 gauge, single-shot, shotgun, bearing serial number D610904, with a barrel of less than eighteen (18) inches, during, in relation to, and in furtherance of, a drug trafficking crime for which said defendant may be prosecuted in a court of the United States, to wit: Possession, with Intent to Distribute, of Cocaine Base, as alleged above, in Count Two, in violation of 21 U.S.C. §§ 841(a)(1), 841(b)(1)(b), and 18 U.S.C. § 924(c)(1)(A).

**Count Four**

Violation: 18 U.S.C. § 922(g)(1)  
(Felon in possession of a firearm)

On or about March 1, 2016, in Gregg County, Texas, in the Eastern District of Texas, **Templeton**, defendant, having been convicted of a crime punishable by imprisonment for a term exceeding one year, to wit: Possession of a Controlled Substance in Penalty Group One, less than 400 grams, in Cause Number 40171-B, in the 124th Judicial District Court in and for Gregg County, Texas, on May 17, 2011; Attempted Murder, in Cause Number 17,501-B, in the 124th Judicial District Court in and for Gregg County, Texas, on October 14, 1994; and, Possession of a Controlled Substance in Penalty Group One, with Intent to deliver, in Cause Number 21,965-B, in the 124th Judicial District Court in and for Gregg County, Texas, on October 14, 1994, did knowingly and unlawfully possess in and affecting commerce, a firearm, to wit: a Stevens model, 20 gauge, single-shot, shotgun, bearing serial number D610904, with a barrel of less than eighteen (18) inches, and a Sears, Ted-Williams model, 20 gauge, shotgun, bearing serial number 5837500, in violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2).

**Count Five**

Violation: 26 U.S.C. § 5861(d)  
(Possession of an Unregistered Firearm)

On or about March 1, 2016, in Gregg County, Texas, in the Eastern District of

Texas, **Templeton**, defendant herein, did then and there knowingly possess a firearm, to wit: a weapon made from a Stevens model, 20 gauge, single-shot, shotgun, bearing serial number D610904, with a barrel of less than eighteen (18) inches, which was not registered to him in the National Firearms Registration and Transfer Record,

In violation of 26 U.S.C. § 5861(d) and 26 U.S.C. § 5845(a).

**Count Six**

Violation: 18 U.S.C. § 922(g)(1) (Felon  
in possession of ammunition)

On or about March 1, 2016 in Gregg County, Texas, in the Eastern District of Texas, **Templeton**, defendant, having been convicted of a crime punishable by imprisonment for a term exceeding one year, to wit: Possession of a Controlled Substance in Penalty Group One, less than 400 grams, in Cause Number 40171-B, in the 124th Judicial District Court in and for Gregg County, Texas, on May 17, 2011; Attempted Murder, in Cause Number 17,501-B, in the 124th Judicial District Court in and for Gregg County, Texas, on October 14, 1994; and, Possession of a Controlled Substance in Penalty Group One, with Intent to deliver, in Cause Number 21,965-B, in the 124th Judicial District Court in and for Gregg County, Texas, on October 14, 1994, did knowingly and unlawfully possess in and affecting commerce, ammunition, to wit: approximately seventeen (17), .357 caliber, cartridges; approximately twenty-nine (29), 9mm caliber, cartridges, and one (1) 20 gauge caliber, cartridge; in violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2).

**NOTICE OF INTENT TO SEEK CRIMINAL FORFEITURE**

Pursuant to 18 U.S.C. §§ 924(d)(1), 21 U.S.C. § 853, and 28 U.S.C. § 2461(c)

As a result of committing the offenses alleged in this indictment, the defendant shall forfeit to the United States of America pursuant to 18 U.S.C. §§ 924(d)(1), 21 U.S.C. § 853, and 28 U.S.C. § 2461(c):

1. any property constituting, or derived from, and proceeds the defendant obtained, directly or indirectly, as the result of such violations;
2. any of the defendant's property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such violations, and/or;
3. any and all firearms, ammunition, and accessories seized from the defendant, including but not limited to the following:

**FIREARMS AND AMMUNITION**

- A. a Savage, Stevens 94P model, 20 gauge, single-shot, shotgun, bearing serial number D610904, with a barrel of less than eighteen (18) inches;
- B. a Sears, Ted-Williams model, 20 gauge, shotgun, bearing serial number 5837500;
- C. two (2) .357 caliber speed loaders;
- D. seventeen (17), Federal brand, .357 caliber, cartridges;
- E. twenty-nine (29), Fiocchi brand, 9mm caliber, cartridges;
- F. one (1) 20 gauge caliber, cartridge;

**CASH PROCEEDS**

\$20,000.00 in United States currency and all interest and proceeds traceable thereto, in that such sum in aggregate is proceeds obtained directly or indirectly as a result of the commission of the aforesaid violations.

If any of the property described above as being subject to forfeiture, as a result of any act or omission of the defendants:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with a third person;
- (c) has been placed beyond the jurisdiction of the court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be subdivided without difficulty;

The United States of America shall be entitled to forfeiture of substitute property pursuant to 21 U.S.C. § 853(p), as incorporated by 28 U.S.C. § 2461(c).

By virtue of the commission of the felony offenses charged in this indictment, any and all interest the defendant has in the above-described property is vested in the United States and hereby forfeited to the United States pursuant to 18 U.S.C. §§ 924(d)(1), 21 U.S.C. § 853, and 28 U.S.C. § 2461.

A TRUE BILL

  
\_\_\_\_\_  
GRAND JURY FOREPERSON

JOHN M. BALES  
UNITED STATES ATTORNEY

  
\_\_\_\_\_  
JIM NOBLE  
Assistant United States Attorney

6/15/16  
\_\_\_\_\_  
Date

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION

UNITED STATES OF AMERICA                   §  
   §  
v.   § NO. 6:16CR \_\_\_\_\_  
   § Judge \_\_\_\_\_  
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TERESA ANN BEAN (02)                   §

**NOTICE OF PENALTY**

**Counts One and Two**

Violation:                   21 U.S.C. §§ 846; 841(a)(1) and 841(b)(1)(B)(iii) (Conspiracy to Distribute Cocaine Base) and (Possession with Intent to Distribute Cocaine Base)

Penalty:                   A fine of not more than \$5,000,000.00, imprisonment for a term of not less than 5 years or more than 40 years, or both; and a period of supervised release of at least four (4) years; or, if the defendant has been previously been convicted for a felony drug offense, a fine of not more than \$8,000,000.00, imprisonment for a term of not less than 10 years and up to life, or both; and a period of supervised release of at least eight (8) years.

Special Assessment:   \$100.00

**Count Three**

Violation:                   18 U.S.C. § 924(c)(1) (Possession of a Firearm in Furtherance of a Drug Trafficking Crime)

Penalty:                   Imprisonment not less than five (5) years [to be served consecutively to the underlying offense] and up to life, a fine of up to \$250,000.00, or both; a term of supervised release of at least two (2) years. If the defendant has been convicted, on separate prior occasions, of one or more serious violent felonies and one or more serious drug offense, mandatory life imprisonment.  
18 U.S.C. § 3559(c)(1)

Special Assessment:   \$100.00

**Count Four**

Violation: 18 U.S.C. § 922(g)(1) (Felon in Possession of a Firearm)

Penalty: A fine of not more than \$250,000.00; imprisonment for not more than ten (10) years; or both; a term of supervised release of not more than three (3) years. 18 U.S.C. § 924(a)(2). If the firearm possessed is a short –barreled shotgun, imprisonment for not less than ten (10) years. 18 U.S.C. § 924(c)(1)(B)(i). If the defendant has three previous convictions for a violent felony or a serious drug offense, or both, committed on occasions different from one another, imprisonment for not less than fifteen (15) years. 18 U.S.C. § 924(e)(1).

Special Assessment: \$100.00

**Count Five**

Violation: 26 U.S.C. § 5861(d) (Possession of an Unregistered Firearm)

Penalty: A fine of not more than \$250,000; imprisonment for not more than ten (10) years; or both. A term of supervised release of not more than three (3) years. 18 U.S.C. § 5871.

Special Assessment: \$100.00

**Count Six**

Violation: 18 U.S.C. § 922(g)(1) (Felon in Possession of Ammunition)

Penalty: A fine of not more than \$250,000.00; imprisonment for not more than ten (10) years, or both; a term of supervised release of not more than three (3) years. 18 U.S.C. § 924(a)(2).

Special Assessment: \$100.00